

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

The specification is amended to correct the objection noted in paragraph 1 of the Office Action.

Claims 1-17 and 53-69 are pending in this application. Claims 1-17 and 53-69 were rejected under 35 U.S.C. § 112, first paragraph. Claims 1-5, 7-17, 53-57, and 59-69 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 6,822,765 to Ohmori. Claims 6 and 58 were objected to as dependent upon rejected base claims, but were noted as allowable if rewritten in independent form to include all of the limitations of their base claims and any intervening claims. Applicants gratefully acknowledge the indication of allowable subject matter in claims 6 and 58.

Initially, applicant and applicant's representative wish to thank Examiner Gibbs for the interview granted applicant's representative on April 25, 2006. During the interview the outstanding rejections were discussed in detail. Specifically, during the interview applicant's representative presented comments as to how the specification was believed to fully support the claimed features. Applicant's representative also pointed out how the claims as currently written were believed to clearly distinguish over the prior art. Examiner Gibbs indicated she would fully consider such comments when formally presented in a filed response.

Addressing now the rejection of claims 1-17 and 53-69 under 35 U.S.C. § 112, first paragraph, that rejection is traversed by the present response.

The previously filed Amendment amended the claims to recite that the defining part "determines whether sheets of the original are part of the same document based on the time between reading the successive sheets of the original". The Office Action indicates the Examiner has not found evidence in the specification that supports that feature.

In reply, applicants submit that feature is clear from the specification. Examples of portions where the specification discusses that noted claim limitation are now set forth.

First, the specification states at page 19, lines 3-4 that the present invention “determines document separation by time-out”. The ensuing discussion in the specification sets forth how different time-out times can be set to determine document separation. The specification also clearly sets forth for example at page 30, line 28 *et seq.* that the time-out time “is an interval of reading operations”.

From such portions in the specification it is clear that a time-out, which is a time interval between different reading operations of a paper sheet, will determine a document separation. That discussion in the specification clearly corresponds to the claim limitation, “whether sheets of the original are part of the same document based on the time between reading”. In that respect applicants also note the claims are directed to a time “between reading the successive sheets of the original” and which clearly corresponds to the time-out as noted in the present specification at page 30, line 28 *et seq.*

Applicants also note that throughout the specification the operations directed to the time-out times 50 and 51 are different time-outs for reading documents to determine an end of a document, which again corresponds to the claimed features. The specification also notes that the time-out time is used for determining the separation of documents properly (see for example the specification at page 19, lines 10-12).

In such ways, the specification is believed to clearly support the subject matter of claims 1-17 and 53-69.

Addressing now the rejection of claims 1-5, 7-17, 53-57, and 59-69 under 35 U.S.C. § 102(e) as anticipated by Ohmori, that rejection is traversed by the present response.

Applicants submit that the basis for the outstanding rejection appears to not have fully considered all the claim limitations. Specifically, the “Response to Arguments” section in

paragraph 4 of the Office Action appears to indicate the rejection is maintained based on the Examiner not having found evidence for the above-noted claim limitation. As discussed above, the claimed features are clearly supported by the specification. Further, as discussed in further detail below, Ohmori does not disclose any feature even closely related to the claimed features.

The claims as currently written are directed to an image reading apparatus that can read original documents. The applicants of the present invention recognized that in such systems it may be beneficial to store the read documents for future re-use, i.e., an electronic filing system. In such a type of apparatus, an evaluation of which read sheets form parts of which documents needs to be considered, and the present invention is directed to an efficient system to determine which of read sheets belong in a same document. One general aspect in the claimed invention is to determine document separation, i.e., which read sheets are part of the same document, by a time-out. However, the present inventions recognized that the time set for the time-out is important, and may vary based on whether a document is fed from an automatic document feeder (ADF) or whether the document is placed on a contact glass sheet. Accordingly, one general aspect of the claimed invention is to use a different time-out time for a case of using the ADF and a case of a user setting a document on a contact glass sheet.¹

Accordingly, in the claimed invention, and with reference to Figure 3 in the present specification as a non-limiting example, a time to be measured is set according to a predetermined condition, see for example Steps S6 and S14. In a non-limiting example, the condition can be whether a document is fed through an ADF or is placed on a contact glass sheet-by-sheet. Then, in the claimed invention it is determined whether sheets of an original are part of a same document based on the time between reading successive sheets and the

¹ See for example the present specification, page 19, lines 5-19.

time selected (see also the present specification for example at page 30, line 23 to page 31, line 9).

The features clarified in the claims are believed to clearly distinguish over the teachings in Ohmori.

First, Ohmori is not directed to a device even similar to that clarified in the claims in which it is determined whether sheets of an original are part of a same document. Further, the timer of the CPU 101 referred to in column 8, lines 32-36 of Ohmori does not measure a time such as claimed between reading successive sheets. In Ohmori the noted "time" is a time for switching a display of a display part, which is not at all related to the claimed features.

One basis for the outstanding rejection cites Ohmori at column 8, lines 32-36 with respect to the claimed feature of the "defining part determines whether sheets of the original are part of a same document based on the time between reading the successive sheets of the original".²

In response to that basis for the outstanding rejection applicants note that at column 8, lines 32-36 Ohmori merely discloses judging whether or not a reset key 85 is depressed. Such an operation in Ohmori is not at all related to the claimed features of determining whether sheets of the original are part of the same document based on a time between reading successive of the sheets.

Ohmori does disclose switching between a copy function and a facsimile function, but the claims are not directed to any type of similar feature. The claims are directed to obtaining a document separation by utilizing a time-out occurrence.

² Office Action of January 27, 2006, the sentence bridging pages 3 and 4.

In such ways, the claims as currently written are believed to be directed to a completely different device than as that disclosed by Ohmori, and are believed to clearly recite features neither taught nor suggested by Ohmori.

Thus, claims 1-17 and 53-69 as currently written are believed to clearly distinguish over the applied art to Ohmori.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

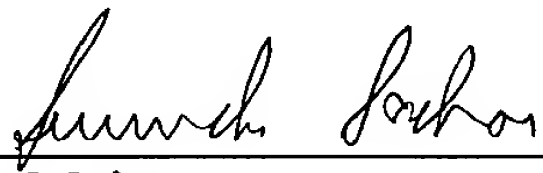
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

GJM:SNS\pmt

I:\ATTY\SNS\20's\200415\200415US-AM1.doc



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Surinder Sachar
Registration No. 34,423